

TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, P.O. BOX 305
MILTON, NEW YORK 12547
PHONE: 845-795-6167 EXT. 118 / FAX: 845-795-2031

ZONING BOARD APPLICATION

THOMAS CORCORAN JR.
BUILDING INSPECTOR
CODE ENFORCEMENT

DATE 8/24/2024

NAME Mitchell Mejia

ADDRESS 1013 Plains Rd
Wallkill, NY 12589

TELEPHONE 845-420-9350

REQUEST (DESCRIBE IN DETAIL) _____

Applicant is seeking an area variance of Section 155 Attachment 2 Schedule I
minimum front and side yards for non-conforming, pre-existing
residence. Seeking a 5' front yard variance & a 3' side yard variance.

FOR OFFICE USE ONLY

DENIED _____ DATE _____

APPROVED _____ DATE _____

ZONING BOARD OF APPEALS _____

SIGNATURE

PROCEDURE FOR APPLICANTS TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

APPLICATION FEES:	COMMERCIAL	\$300.00
	RESIDENTIAL	\$300.00

ESCROW FEES: \$700.00

(LEGAL NOTICE FEE, TRANSCRIBER FEES & ATTORNEY FEES TO BE TAKEN OUT OF ESCROW FEE)

***PLEASE ISSUE TWO SEPARATE CHECKS FOR APPLICATION AND ESCROW FEES**

1. APPLICATION MADE TO BUILDING INSPECTOR FOR BUILDING PERMIT.
2. IF APPLICATION IS DENIED BY THE BUILDING INSPECTOR, APPLICATION MAY BE MADE TO THE ZONING BOARD.
3. ZONING BOARD OF APPEALS WILL REVIEW APPLICATION AT THEIR NEXT SCHEDULED HEARING IF ALL DOCUMENTATION HAS BEEN SUBMITTED TO THE SECRETARY BY THE DESIGNATED DEADLINE.
4. ZONING BOARD OF APPEALS WILL EITHER:
 - A. APPROVE APPLICATION SUBMITTED
 - B. REQUIRE FURTHER SUBMISSIONS
 - C. DISAPPROVE SUBMITTED APPLICATION
 - D. REQUEST A SITE PLAN FROM THE PLANNING BOARD AND/OR A REFERRAL FROM THE ULSTER COUNTY PLANNING BOARD
5. IF A SITE PLAN REVIEW IS REQUESTED BY THE ZONING BOARD OF APPEALS, SAID APPLICATION WILL BE PLACED ON THE NEXT AVAILABLE AGENDA OF THE PLANNING BOARD.
6. THE PLANNING BOARD WILL REFER THEIR FINDING OF THE SITE PLAN REVIEW TO THE ZONING BOARD. IF ENGINEERING REVIEW IS REQUIRED THE APPLICANT WILL BE LIABLE FOR THOSE CHARGES.
7. LEGAL NOTICES MUST BE SENT TO ALL PROPERTY OWNERS WITHIN 500 FEET OF THE QUESTIONED PROPERTY. THE ZONING BOARD WILL ADVISE THE APPLICANT WHEN THIS MUST BE DONE.

SIGNATURE  DATE 9/13/29

APPLICATION TO THE ZONING BOARD OF APPEALS
TOWN OF MARLBOROUGH, NEW YORK

APPLICANT Mitchell Mejia PHONE # 845-420-9350
ADDRESS 1013 Plains Rd, Wallkill ZIP 12589
LOCATION OF PROPERTY 1559 Rt 9w
ZONING DISTRICT R-AG-1 SECTION 103.3 BLOCK 4 LOT 44
APPLICANT IS: OWNER X TENANT _____ OTHER _____
ATTORNEY (IF REQUIRED) _____
ADDRESS _____ PHONE # _____

CHECKLIST OF REQUIREMENTS

1. COPY OF THIS COMPLETED APPLICATION WITH REQUIRED FEE MADE PAYABLE TO THE TOWN OF MARLBOROUGH.
2. SIX (6) COPIES OF PLOT PLAN SHOWING SETBACKS OF PROPOSED VARIANCE AND ALL OTHER STRUCTURES LOCATED ON THE PROPERTY, ALSO EXISTING WELL AND SEPTIC.
3. ANY OTHER DETAILS AND EXHIBITS (PHOTOGRAPHS) DEEMED NECESSARY APPLICABLE TO THIS PROPOSAL.
4. COPY OF DEED AND TAX BILL OF PROPERTY REQUIRING VARIANCE.
5. LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTIES WITHIN 500 FEET OF THE PROPERTY FROM "ALL" EXTERIOR BOUNDARIES.
ALL PROPERTY OWNERS MUST BE NOTIFIED BY CERTIFIED MAIL WITH RETURN RECEIPT 10 DAYS PRIOR TO THE PUBLIC HEARING.
6. COPY OF BUILDING PERMIT SHOWING PROPOSAL AND REASON FOR DENIAL IF DENIED.

APPLICATIONS WILL NOT BE ACCEPTED UNLESS ACCOMPANIED BY ALL OF THE NECESSARY DOCUMENTATION.

PLEASE ANSWER ALL QUESTIONS #1-12

1. THE UNDERSIGNED HEREBY APPEALS TO THE ZONING BOARD OF APPEALS OF THE TOWN OF MARLBOROUGH.

_____ FROM AN ORDER, REQUIREMENT, DECISION OR DETERMINATION MADE BY THE BUILDING INSPECTOR

X _____ FROM A DECISION BY THE PLANNING BOARD OF THE TOWN OF MARLBOROUGH

_____ OTHER _____

2. WHAT IS THE APPROXIMATE ACREAGE OF THE PROPERTY INVOLVED? 11.7

3. IS THE PROPERTY PRESENTLY IMPROVED WITH PERMANENT STRUCTURES? YES
NUMBER OF DWELLINGS 1 NON-DWELLINGS (GARAGES, SHEDS) 1

4. DOES THE EXISTING BUILDING HAVE A CERTIFICATE OF OCCUPANCY? YES

5. ARE EXISTING STRUCTURES PRESENTLY OCCUPIED? YES
SEASONALLY? _____ YEAR-ROUND? YES

6. HAS IMPROVEMENT, ADDITION, OR CONSTRUCTION BEEN STARTED? NO

7. WILL PREMISES BE OWNER OCCUPIED? NO

8. WAS A PREVIOUS APPEAL OR VARIANCE APPLICATION BEEN MADE WITH RESPECT TO THIS PROPERTY? NO IF SO, WHEN _____

9. IS THE LAND OR BUILDING WITHIN 500 FEET OF:

NO BOUNDARY OF ANY CITY, TOWN OR VILLAGE?

NO BOUNDARY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARK OR OTHER RECREATION AREA?

YES RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STATE OR COUNTY PARKWAY, THRUWAY, EXPRESSWAY, ROAD OR HIGHWAY?

NO RIGHT-OF-WAY OF ANY EXISTING OR PROPOSED STREAM OR DRAINAGE CHANNEL OWNED BY THE COUNTY OR FOR WHICH THE COUNTY HAS ESTABLISHED CHANNEL LINES?

10. TYPE OF ACTION SOUGHT:

_____ AN INTERPRETATION OF THE ZONING ORDINANCE OR ZONING MAP

X _____ A VARIANCE TO THE ZONING ORDINANCE

11. NATURE OF REQUEST:

TOWN CODE SECTION: Chapter 155 TITLE: ZONING

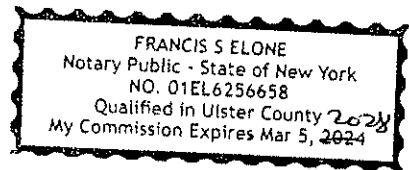
12. REASON YOU ARE PETITIONING THE ZONING BOARD OF APPEALS. (IF SEEKING A VARIANCE INDICATE HARDSHIP YOU WILL SUFFER IF THE VARIANCE IS NOT GRANTED).

Applicant is seeking to subdivide the subject property which contains non-conforming setbacks to the pre-existing primary residence. Planning board requires zoning variances to proceed with the subdivision. Existing front yard setback is 45' where 50' is required. Existing side yard setback is 32' where 35' is required.

STATE OF NEW YORK

COUNTY OF Orange

SWORN TO ME THIS 18th DAY OF September 2024



Francis Elone

NOTARY PUBLIC SIGNATURE

[Signature]

SIGNATURE

ZONING VARIANCE AREA/USE

1. AREA MAPS SHOWING THE LOCATION OF THE PROPOSAL
 - A. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF EITHER A USGS OR NYS DEPARTMENT OF TRANSPORTATION MAP – 1:2400 SCALE
 - B. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE MUNICIPAL ZONING MAP
 - C. SUBMIT AN 8 ½" X 11" PHOTOCOPY OF THE APPROPRIATE SECTION OF THE LOCAL TAX MAP OF THE APPLICANT'S PROPERTY
2. COMPLETE WRITTEN DESCRIPTION OF THE PROPOSAL
3. SITE PLAN SHOWING PHYSICAL CHARACTERISTICS OF PROPERTY; EXISTING AND PROPOSED LAYOUT OF BUILDINGS, STRUCTURES, ADDITIONS, PARKING, ROAD OR HIGHWAY ACCESS, DRAINAGE AND AVAILABILITY OF UTILITIES (APPROPRIATE SCALE)
4. SUPPORTING MATERIAL USED IN REQUEST, SUCH AS TRAFFIC GENERATION, ADDITIONAL SERVICES ETC.
5. ZONING DISTRICT IN WHICH PROPERTY IS LOCATED
6. ZONING PROVISION FROM WHICH A VARIANCE IS REQUESTED
 - A. LIST "PRACTICAL DIFFICULTIES" FOR AN AREA VARIANCE
 - B. LIST "UNNECESSARY HARDSHIPS" FOR A USE VARIANCE
7. COPY OF ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT AS REQUIRED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR).
8. AFTER ULSTER COUNTY PLANNING BOARD REVIEW, SUBMISSION OF FINAL ACTION REPORT

THE TOWN OF MARLBOROUGH MUNICIPAL CODE SETS FORTH THE SCHEDULE OF FEES FOR APPLICATIONS TO THE ZONING BOARD. THE SIGNING OF THIS APPLICATION INDICATES YOUR ACKNOWLEDGMENT OF RESPONSIBILITY FOR PAYMENT OF THESE FEES TO THE ZONING BOARD FOR REVIEW OF THIS APPLICATION, INCLUDING BUT NOT LIMITED TO FEES FOR PROFESSIONAL SERVICES (ATTORNEY'S, ENGINEER, LEGAL NOTICE AND TRANSCRIBER FEES).

APPLICANT SUBMISSIONS AND RE-SUBMISSIONS WHICH ARE NOT COMPLETE WILL NOT BE CONSIDERED BY THE ZONING BOARD OR PLACED ON ITS AGENDA UNTIL ALL OUTSTANDING FEES HAVE BEEN PAID.

APPLICATION FEES:	COMMERCIAL	\$300.00
	RESIDENTIAL	\$300.00

ESCROW FEES: \$700.00

*ANY PORTION OF THE ESCROW FEE DEPOSIT NOT EXPENDED DURING THE REVIEW OF SUCH APPLICATION SHALL BE RETURNED TO THE APPLICANT UPON FINAL ACTION BY THE TOWN OF MARLBOROUGH.

*ANY AND ALL FEES OUTSTANDING FROM THE ESCROW FEE DEPOSIT IS THE RESPONSIBILITY OF THE APPLICANT TO MAKE IMMEDIATE PAYMENT OF THE AMOUNT DUE TO THE TOWN OF MARLBOROUGH (AN INVOICE WITH BALANCE DUE WILL BE MAILED TO THE APPLICANT).

Mitchell Mejia

APPLICANTS NAME (PRINT)

APPLICANTS SIGNATURE

9/13/27

DATE

Town of Marlborough Ethics Code

TOWN OF MARLBOROUGH NOTICE OF DISCLOSURE OF INTEREST

In accordance with the Town of Marlborough Code of Ethics, Article 13-3 (E) and Public Officers Law § 209, the following disclosure notice ("notice") must be completed and signed by any individual, including any officer or employee of the Town of Marlborough, who has an application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, special use permit, site plan, subdivision, exemption from a plat or official map, license or permit, pursuant to the provisions of the zoning and planning regulations of the Town of Marlborough before any Town of Marlborough Board, Agency or Department ("decision-making authority"), in which a Town officer or employee has an interest in the subject of the application. The purpose of the disclosure notice is to identify and disclose any potential or actual conflict of interest for the Town employee or officer, which may compromise his/her ability to make decisions solely in the public interest. Please refer to the Town of Marlborough Code of Ethics for further information.

Under the Town of Marlborough Code of Ethics an interest is defined as: a participation, connection or involvement of any sort whether direct or indirect, pecuniary or non-pecuniary, personal or professional, which may result in a benefit. For the purposes of the Town of Marlborough Code of Ethics, the "interests" of a Town officer or employee shall be deemed to include the "interest" of:

- A. An immediate family member. Immediate family member is defined as: grandparents, parents, spouse, significant other, children, grandchildren, brother, sister, dependent, or any household member of a Town officer, Town Board member or employee.
- B. Any person other than a bank, trust company or other lending institution with whom he/she has a substantial debtor-creditor or other financial relationship.
- C. Any person by whom he/she is employed or of which he/she is an officer, director or member having a controlling interest in any business or enterprise in which the Town employee or officer holds stock or has any other profit-bearing or beneficial relationship.
- D. An officer or employee shall also be deemed to have an interest in a matter if he/she or any person described in A through C above is a party to an agreement, expressed or implied, with any applicant before any Board of the Town, whereby he/she may receive any payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of any such application, petition or request by any Town body.

This notice must be completed and included with the application, petition or request to the appropriate Town of Marlborough Board, Agency or Department.

I, Mitchell Mejia, residing at
1013 Plains Rd, Wallkill, NY 12589, make

the following statements about interests in the real property which is the subject of this application,
petition or request for a area variance, before the Town
of Marlborough Zoning Board of Appeals.

PART I: Except as otherwise set forth in Part II below:

A. Individuals with an interest in the property.

1. No individual, having an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person having an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

B. Corporations or other entities with an interest in the property.

1. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity, which has an ownership interest in or has an interest in a contract to purchase the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No officer, director, partner, or employee of any corporation, partnership, company, trust, association, or other legal entity which has an ownership interest in or has an interest in a contract to purchase the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

C. Stockholder or controlling interest

1. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.
2. No person who has a legal or beneficial ownership or control stock of a corporate applicant or is a member of a partnership or association with the applicant for the subject property is a relative of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

D. Party to an agreement with the applicant

1. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application; petition or request for the subject property is an officer or employee of the Town of Marlborough, Ulster County, New York.

2. No person is a party to an agreement with an applicant, express or implied, or may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request for the subject property is an immediate family member of any individual who is an officer or employee of the Town of Marlborough, Ulster County, New York.

PART II: If any of the statements under A through D above is not true, please explain and set forth the name and the relationship to the applicant and subject property of any Town employee or officer involved:

PART III: This completed notice is to be submitted to the Board, Agency or Department that is authorized to review and render a decision on the application, petition or request. Further, the submittal must be made prior to any review of the application, petition or request. This notice shall be made part of that decision-making authority's official record, disclosing the exact nature of the conflict in detail. If there is an actual or potential conflict, the Town officer or employee shall abstain from voting or otherwise acting on the application, petition or request so as to avoid an actual conflict.

ANY QUESTIONS REGARDING THIS DISCLOSURE NOTICE OR THE CODE OF ETHICS ARE TO BE DIRECTED TO THE TOWN SUPERVISOR AT (845) 795-6167.

PLEASE TAKE NOTICE: A KNOWINGLY FALSE STATEMENT IS PUNISHABLE UNDER N.Y. GEN. MUN. LAW §809 AS A MISDEMEANOR.

Signed: _____

Date: 9/13/24

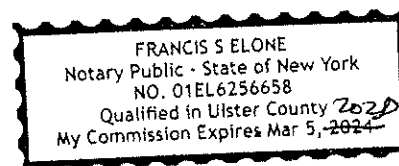
ACKNOWLEDGMENT

State of New York

County of: Orange

On 09/13/2024, before me personally appeared

Mitome U Mejia, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to this instrument and acknowledged to me that [he/she/they] executed the same in [his/her/their] capacity(ies), and that by [his/her/their] signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary

1559 Rt 9W Project Description

The applicant, Mitchell Mejia, is seeking an area variance of 5 feet and 3 feet for front and side yards, respectively for a pre-existing non-conforming single-family residence.

The subject parcel is in the R-Ag-1 zone which requires a 50' front yard set back and a 35' minimum side yard setback. The pre-existing non-conforming setbacks are 45' and 32' respectively.

The subject parcel is before the planning board for a proposed 7-lot subdivision which decided a zoning variance must be granted for the subdivision application to proceed.

No modifications to the existing single-family residence are proposed and the lot lines to which the setback variances are requested are not changing in the subdivision application. The residence on the subject parcel was built prior to zoning code.

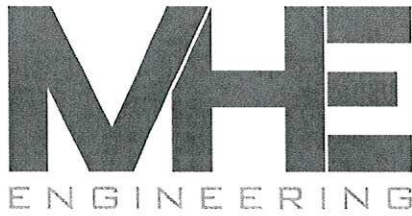
The proposed subdivision layout meets all other Chapter 155 Attachment 2 Schedule I lot, yard and height regulations.

Neighborhood character will be unaffected as all uses and structures are existing.

There are no feasible alternatives to the variances requested.

The issue is not self-created and compliance with the standard would be unnecessarily burdensome.

Thank you for your consideration.



Proposed subdivision
of the subject lot

**TOWN OF MARLBOROUGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: MITCHELL M & CO INC.
PROJECT NO.: 23-19
PROJECT LOCATION: SECTION 103.3, BLOCK 4, LOT 44
REVIEW DATE: 16 AUGUST 2024
MEETING DATE: 19 AUGUST 2024
PROJECT REPRESENTATIVE: CHRISTOPHER TERRIZZI, P.E.

1. A 29 January 2024 letter from the Highway Superintendent identifies the Town of Marlborough as not interested in accepting the proposed roadway. The proposed roadway would be a private road in accordance with the Town Code.
2. The project exceeds the number of lots permitted on a private road, Section 130-14.16(A). It appears that the applicant is requesting a variance from the Town Code. Waiver of the code must be granted by the Town Board in accordance with Section 130-14.17(B). In addition, Section 130-14.17(C) would apply requiring the Town Board to solicit comments from the Planning Board.
3. NYSDOT Highway access permit will be required.
4. A Stormwater Pollution Prevention Plan must be provided.
5. Approval for wells and septic systems from Ulster County Health Department is required.
6. A common driveway and private road access and maintenance agreement will be required.
7. Based on the SWPPP submitted a Stormwater Facility Maintenance Agreement may be required.
8. The existing structure on Lot 1 does not meet zoning bulk requirements for front yard setback 50 feet required where 45 is existing side yard setback 35 feet required where 32 is existing.
9. Prior to the final approvals security for construction of the private roadway is required. A note should be added to the plans that no building permit shall be issued until the private road and stormwater improvement have been constructed and accepted as complete by the Town of Marlborough.
10. The Town of Marlborough may wish to circulate its Notice of Intent of Lead Agency for the project as NYSDOT will be an involved agency.
11. The approval by the Town Board for the road name for the private road is required.

NEW YORK OFFICE

33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE

111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

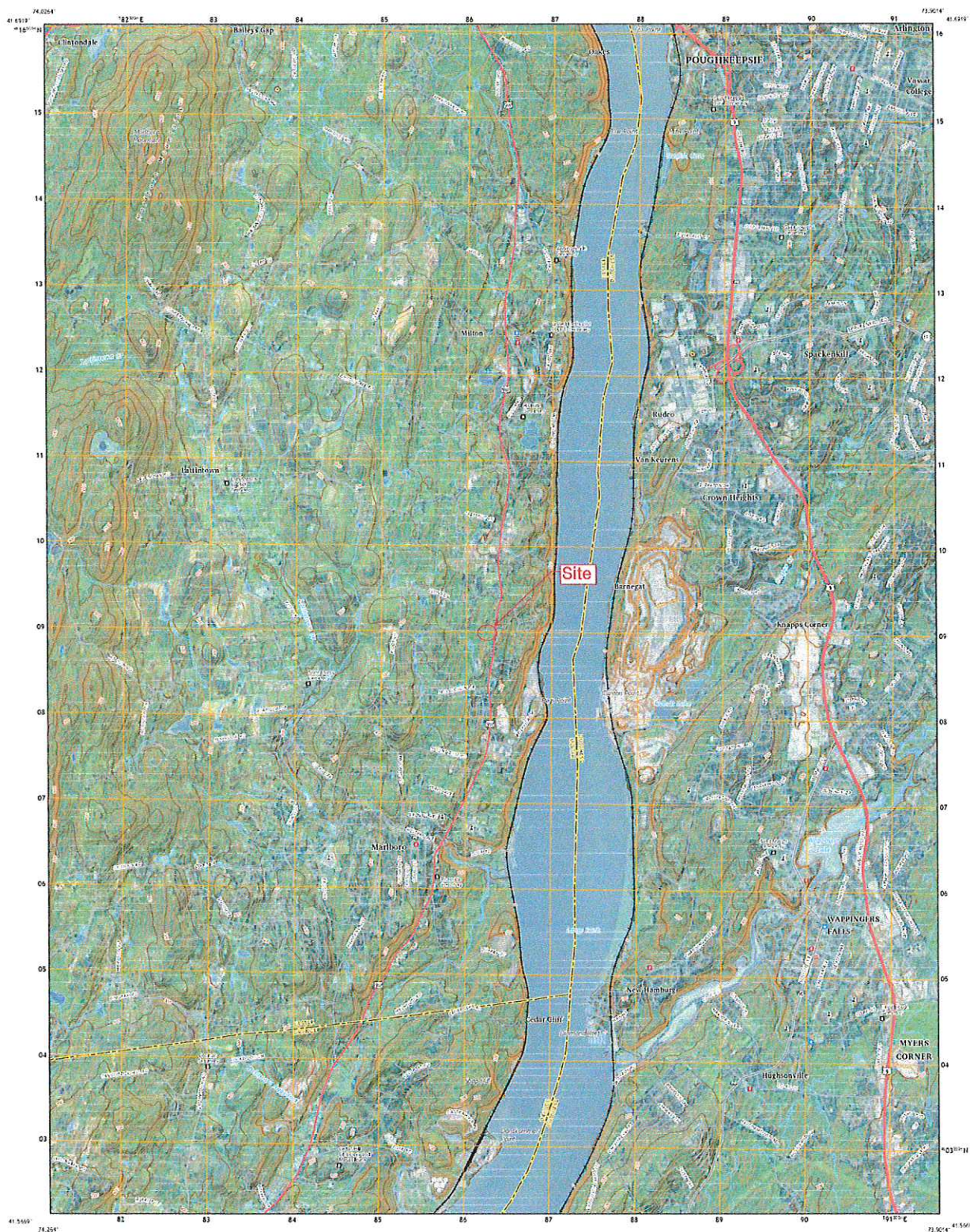
12. A note should be added to the plans stating Code Section 130-14.16 G regarding construction timeframes for completion of the private road.

Respectfully submitted,

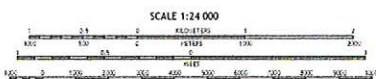
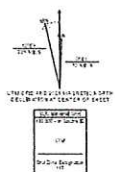
MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read "Patrick J. Hines". The signature is fluid and cursive, with the first name "Patrick" being more prominent than the last name "Hines".

Patrick J. Hines
Principal
PJH/kmm



Produced by the United States Geological Survey

[illegible]

ROAD CLASSIFICATION

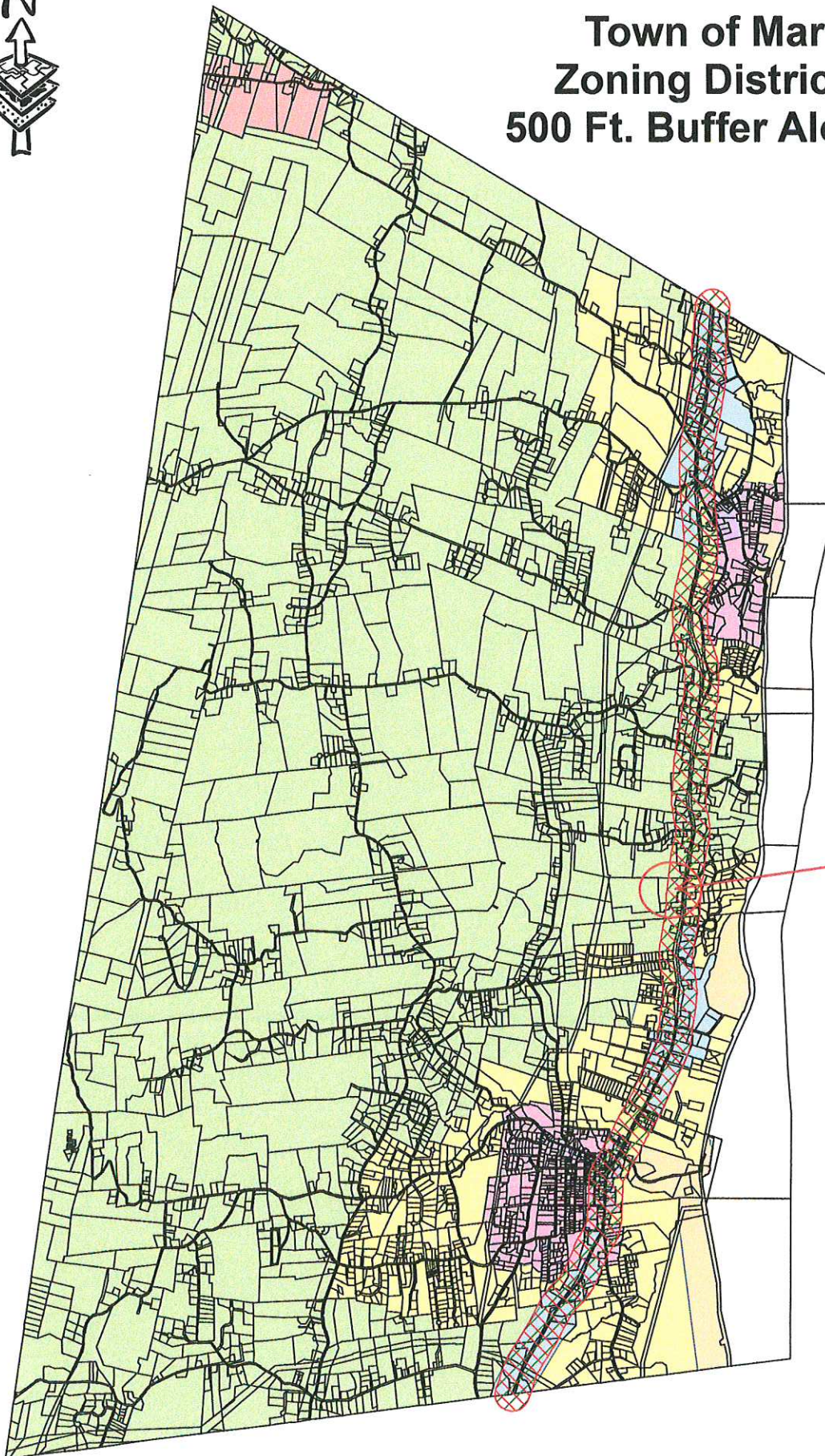
Expressway	Local Connector
Secondary Hwy	Local Road
Freeway	Arterial

 Interstate Route  US Route  State Route

7.5-MINUTE TOPO, NY
2024



Town of Marlborough Zoning District Map with 500 Ft. Buffer Along Route 9W



Site

Map Legend

 500 Ft. Buffer off Route 9W

 Parcel Boundaries

Marlborough Zoning Districts

ZONE


 C

 C-2

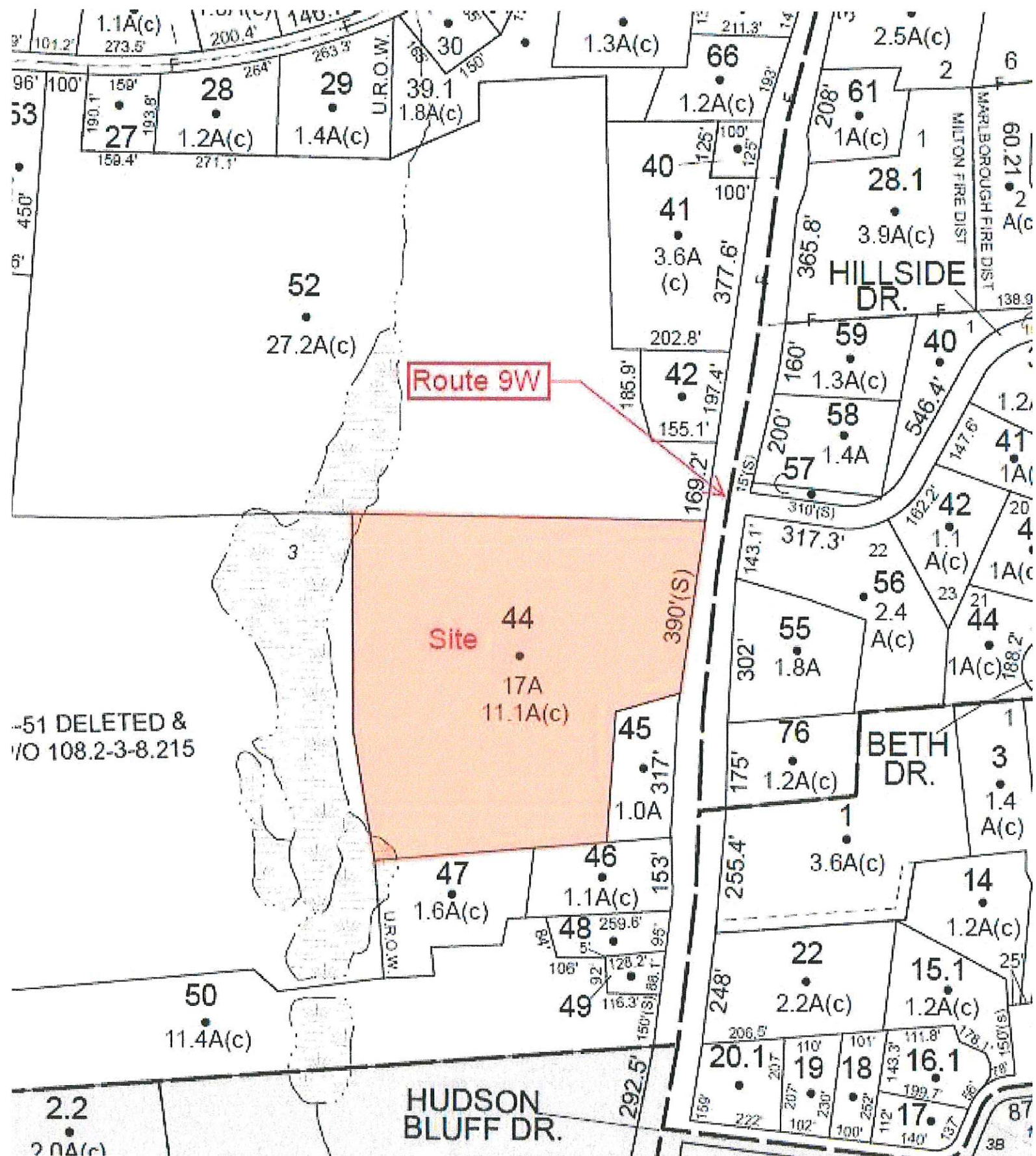
 HD

 IND

 R

 R-1

 RAG-1



Parcel	Owner	Secondary_Owner	Mailing_Address	Mailing_City	Mailing_Zip
103.3-4-44	Mitchell M&Co. Inc.		1013 Plains Rd	Wallkill NY	12589
103.3-4-45	Michael Ovsyuk	Ogulnur Ovsyuk	3 Birch St	Fishkill NY	12524
103.3-3-76	Maria Stanczak		1548 Route 9W	Marlboro NY	12542
103.3-3-59	Troy Tortarella		3430 Route 9W	Highland NY	12528
103.3-4-42	Michael J Stach	Lucille A Stach	1575 Route 9w	Marlboro NY	12542
103.3-3-58	Eugene J Hand		1564 Route 9W	Marlboro NY	12542
103.3-4-52	David Schreiber	Donald Schreiber	45 Old Indian Rd	Milton NY	12547
103.3-3-28.100	Troy Elliott Tortarella		3430 Route 9W	Highland NY	12528
103.3-4-41	Harold S Sebesta Jr	Joy L Sebesta	1583 Route 9W	Marlboro NY	12542
103.3-3-40	Eric Hickman	Linda Hickman	17 Hillside Dr	Marlboro NY	12542
103.3-3-42	John T Jeffrey	Jill E Jeffrey	12 Hillside Dr	Marlboro NY	12542
103.3-3-57	Janet Neuschloss	Miny Horowitz Wullinger	1848 49th St	Brooklyn NY	11204
103.3-3-56	Robert W Hilbrandt Jr		8 Hillside Dr	Marlboro NY	12542
103.3-3-55	Stanley K Jaros	Helen Jaros	1556 Route 9W	Marlboro NY	12542
103.3-4-46	Anthony Savino	Adrienne Savino	1547 Route 9W	Marlboro NY	12542
103.3-4-47	Marato Homes LLC		194 Milton Tpke	Milton NY	12547
103.3-4-50	Pietro Spallino	Antonina Spallino	1535 Route 9W	Marlboro NY	12542
103.3-4-48	Benjamin Llanos		1543 Route 9W	Marlboro NY	12542
103.3-4-49	Ronald & Carol Domanski Family trust	Ronald & Carol Domanski	129 Lyons Lane	Milton NY	12547
109.1-1-2.100	Royal Wine Corporation		1519 Route 9W	Marlboro NY	12542
103.3-5-1	Sandra A Pascale		28 Riverwood Dr	Marlboro NY	12542
103.3-5-22	Pamela DeLauro		1532 Route 9W	Marlboro NY	12542
103.3-5-20.100	Devi Holding Corp		1526 Route 9W	Marlborough NY	12542
108.2-3-8.215	Radar Ridge Orchard LLC		160 Ridge Rd	Marlboro NY	12542



ULSTER COUNTY - STATE OF NEW YORK
NINA POSTUPACK, COUNTY CLERK
244 FAIR STREET, KINGSTON, NEW YORK 12401

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 6790 / 34
INSTRUMENT #: 2021-5585

Receipt#: 2021021826
Clerk: SMM
Rec Date: 03/22/2021 10:22:06 AM
Doc Grp: D
Descrip: DEED
Num Pgs: 4
Rec'd Frm: CTI ABSTRACT CORP

Party1: STANT TARA M
Party2: MITCHELL M&CO INC
Town: MARLBOROUGH
103.3-4-44

Recording:

Cover Page	5.00
Recording Fee	30.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
Notice of Transfer of Sal	10.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 195.00

Transfer Tax
Transfer Tax - State 940.00

Sub Total: 940.00

Total: 1135.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****

Transfer Tax #: 4722

Transfer Tax

Consideration: 235000.00

Transfer Tax - State 940.00

Total: 940.00

Record and Return To:

ELECTRONICALLY RECORDED BY CSC

WARNING***

*** Information may be amended during the verification process, and may not be reflected on this cover page.

THIS PAGE CONSTITUTES THE CLERK'S
ENDORSEMENT, REQUIRED BY SECTION 316-a (5)
& 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK.

Nina Postupack
Nina Postupack
Ulster County Clerk

Bargain and Sale Deed with Covenant against Grantor's Acts

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made this 5th day of MARCH, Two Thousand Twenty One
 BETWEEN

Tara M. Stant, residing at 1955 1st Avenue, Apt 218, New York, New York 10029,

party of the first part, and

Mitchell M&Co. Inc., a New York State domestic corporation having a business address of 1013
 Plains Road, Wallkill, New York 12589,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL right, title and interest in and to:

SEE ATTACHED SCHEDULE A

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

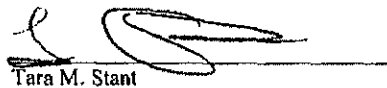
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

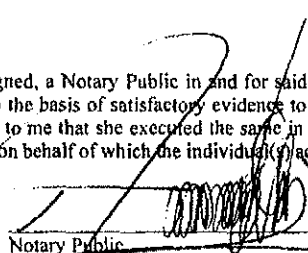

 Tara M. Stant

STATE OF NEW YORK

COUNTY OF NEW YORK ss.:

On the 15th day of February, 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared Tara M. Stant, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

RIAD AHAMMIL KARIM
 NOTARY PUBLIC, STATE OF NEW YORK
 01R0386666
 QUALIFIED IN QUEENS COUNTY
 COMMISSION EXPIRES JUNE 8, 2021


 Notary Public

SCHEDULE A

Title Company: CTI Abstract Corp.
Title Number: 2201436

ALL that tract or parcel of land situate in the Town of Marlborough, County of Ulster and State of New York, bounded and described as follows, to wit: Bounded on the north by lands formerly of Sherborne Sears, on the east by the public road leading from Marlborough to Milton, on the south by the lands formerly owned by Jonas Newman, deceased, and on the west by the center of a ditch running northerly and southerly, and which ditch is the division line between the lands hereby conveyed and the lands formerly owned by Philena Rose, containing 18 acres of land, be the same more or less.

Being the same premises conveyed to Francesco Lauria by Serafina Montefusco, as Administrator etc., by deed dated December 29, 1920 and recorded in Liber 480 of Deeds at page 8 and devised to the party of the first part by said Francesco Laurio (also known as Francesco Lauria) in and by his last Will and Testament which was admitted to probate in the Surrogate's Court of Ulster County, February 25, 1947.

RESERVING AND EXCEPTING from the above described premises, all that part thereof which is bounded and described as follows:

BEGINNING at a concrete monument in the westerly line of the State Road between Milton and Marlborough, and being in the stonewall along lands formerly of Jonas Newman, now of one Mandia; thence along said wall North 82° 40' West, 130.5 feet to an iron pipe set; thence through the lands of Francesco Lauria Estate, North 12° 55' East 295 feet to an iron pipe set in the southerly side of a farm drive, said pipe being 73.7 feet northwesterly from the southwesterly corner of the house and also 59.4 feet northwesterly from the northwesterly corner of the same house; thence North 89° 25' East, 148.6 feet to an iron pipe set in the westerly line of the aforesaid State Road and being 76.3 feet northeasterly from the northeasterly corner of the aforesaid house and 11.3 feet westerly of the edge of the concrete pavement; thence along the westerly side of the road South 15° 31' West, 317.4 feet to the place of BEGINNING. Containing 1 acre, more or less. The bearings herein refer to the magnetic needle as it pointed in 1952.

ALSO RESERVING AND EXCEPTING therefrom all that part thereof conveyed to the County of Ulster for highway purposes.

ALSO RESERVING AND EXCEPTING to the party of the first part, her distributees and assigns forever, the right to take and use water from the artesian well on the above described premises with the right to enter upon said premises for the purpose of repairing or relaying the pipe lines to and from said well as they now exist and to repair or replace the pumping equipment which is now used to pump water from said well. The right to the use of said water shall be a covenant running with the land.

Being and intending to be the same premises conveyed in a deed dated November 21, 2018 from Tara M. Stant, Executrix of the Estate of Carmella Fasano to Tara M. Stant, and recorded in the Ulster County Clerk's Office on February 20, 2019 as Instrument # 2019-2268.

Being known and designated as:
1559 Route 9W, Marlboro, New York
Section 103.3, Block 4, Lot 44

R & R to: *Robert Green, Esq.*
55 St. John Street
Goshen, New York 10924

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

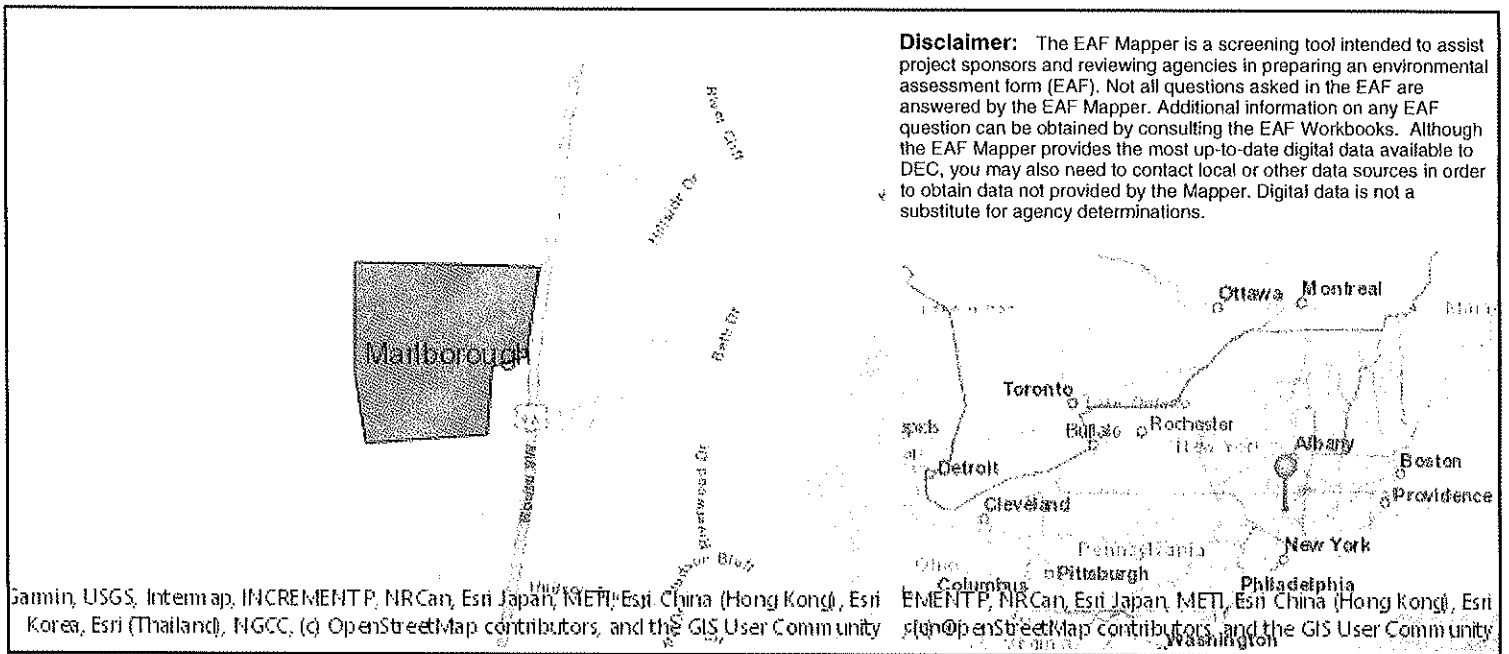
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: MITCHELL M&CO INC. SUBDIVISION			
Project Location (describe, and attach a location map): 1559 RT 9W, MARLBOROUGH, NY			
Brief Description of Proposed Action: 7 LOT SUBDIVISION OF AN EXISTING 11.7 ACRE RESIDENTIAL LOT IN THE R-AG-1 ZONE INCLUDING NEW TOWN ROAD.			
Name of Applicant or Sponsor: MITCHELL MEJIA OF MITCHELL M&CO INC.		Telephone: 845-420-9350 E-Mail: MITCHELL.MEJIA@YAHOO.COM	
Address: 1559 RT 9W			
City/PO: MARLBOROUGH		State: NY	Zip Code: 12542
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: T/ Marlborough planning board			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			11.7 acres 4.0 acres 11.7 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ ON-SITE INDIVIDUAL PRIVATE DRILLED WELLS _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ ON-SITE INDIVIDUAL PRIVATE SEPTICS _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Installation of the well and well line on proposed lot 4 will be performed during the dry season to avoid disturbing the unclassified seasonal stream. Extent of work will be less than 1/10th of an acre. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Shortnos...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STORMWATER WILL BE CONVEYED TO AN ON-SITE STORMWATER MANAGEMENT FACILITY		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
Stormwater management facility	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
Hudson river PCB's. Site code 546031	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Christopher M. Terrizzi, PE</u> Date: <u>8/24/2024</u>		
Signature: <u><i>Christopher Terrizzi</i></u> Title: <u>Engineer</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes